



Department
for Education

Proposed new independent school standards

**Government consultation interim
response on part 2 of the standards: the
spiritual, moral, social, and cultural
development of pupils**

27 November 2014

Contents

Introduction	3
Overview	4
Summary of responses received	4
Government response	4
Respondent type	5
Responses received and the government's response	6
Question 2 a)	6
Government response	6
Question 2 b)	7
Government response	7
Question 2 c)	8
Government response	8
Next steps	9

Introduction

1. The Education (Independent School Standards) (England) Regulations 2010 (“the 2010 Regulations”), as amended, set out the standards that independent schools must meet in operating and providing education. As part of a wider programme to reform the basis on which independent schools are regulated by the Secretary of State for Education, the Department for Education consulted on replacing the Independent School Standards Regulations. The intention is to raise the bar and improve standards in all independent schools in England.

2. This was an online consultation that was published by the Department for Education on 23 June 2014. The department also informed interested parties of the consultation launch, including emailing individual independent schools. The consultation was in two stages: stage one, which closed on 4 August, was on the proposed new Part 2 of the standards which is concerned with the spiritual, moral, social and cultural (SMSC) development of pupils and on proposed changes to Part 4 which is about the suitability of staff and proprietors standards. The shorter consultation period was to allow the earlier introduction of the new SMSC standard and the changes to the suitability of staff and proprietors standard in September. Stage two of the consultation on the remaining standards (Part 1, Part 3, and Parts 6 - 8 inclusive) closed on 18 August.

3. The consultation responses raised a number of technical points on Part 4 of the standards, on the suitability of staff and proprietors. The Department for Education is considering these points further. Consequently, revisions to this standard were not introduced in September, and any changes to that Part will be made with the remaining standards that were the subject of the second stage of the consultation. The government’s response to comments on Part 4 will be included in the final consultation response. Therefore this interim government response focusses just on the consultation responses to the proposed changes to the Part 2 SMSC standard.

4. The proposed changes to the SMSC standard strengthen the reference to fundamental British values by requiring school proprietors to actively promote the values. In addition the changes require the proprietor to ensure principles are actively promoted which amongst other things encourage respect for other people and democracy.

5. It is important to note that these changes do **not** require schools to promote other faiths – so in particular there is no requirement for a faith school to promote other faiths as well as its own. **Nor** do they extend schools’ obligations under the Equality Act. What the revisions do is strengthen existing requirements to promote respect and a culture of tolerance and diversity.

Overview

6. We sought the views of a broad range of interested parties, including individual independent schools, their associations, independent schools inspectorates and other representative bodies. The consultation was widely publicised via a Department for Education press announcement and the regular local authority email publication.

7. The first stage of the consultation generated 1,462 responses. The Secretary of State considered these and, having done so, made the regulations that amend the 2010 Regulations for the new SMSC standard on 4 September. The regulations came into force on Monday 29 September. Other than a minor grammatical correction there were no changes from the proposed SMSC standard that was consulted on.

Summary of responses received

8. There was considerable opposition in the consultation responses but this was founded on two misconceptions: that the proposed revisions would require schools to promote other religions and have a negative impact on religious freedoms; and that they would require schools to promote the protected characteristics and extend equality requirements. As noted in paragraph 5 above, the proposed standard does not have this effect: rather it requires respect for other people, including those of different faiths. A third misconception was that this was the first time that the Government had produced a definition of the fundamental British values, of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. This is not the case, as set out below. Consequently, although there was substantial opposition in the responses, these were largely opposition to proposals that did not exist.

9. 60% (909) of the responses were in the form of a campaign, using the same or very similar wording to present their views.

Government response

10. As noted above, the concerns set out in paragraph 8 do not accurately reflect the proposed changes to the 2010 Regulations. The definition of fundamental British values is not new. The values were set out in the government's Prevent strategy in 2011 and have been part of the Independent School Standards since the beginning of 2013. Although the Department for Education invited comments on the drafting of the SMSC standard, it proposed no changes to the definition of British values, which are widely used in other contexts. The purpose of the consultation was not to seek representation on the definition, but on the proposal to strengthen the requirement on schools to actively promote the values to emphasise their importance, rather than just encouraging pupils to respect them.

11. As noted above, the changes do not extend equality requirements, nor do they discriminate against Christianity or undermine religious freedoms. The misconception referred to in paragraph 8 above was that the proposal would require schools to “promote the protected characteristics”. It is unclear in any case how there could be a requirement to promote the characteristics themselves. But to be clear, the proposed standard does not mean, for example, that schools must promote alternative lifestyles or same sex marriage. Rather, the proposed standard merely requires schools to respect other people, even if they choose to follow a lifestyle that one would not choose to follow oneself.

Respondent type

12. The remaining 553 responses, those that were not part of the campaign, were from a number of different types of respondent, as set out in the table below.

RESPONDENT TYPE (Where completed. NB – respondent can chose not to select or can select more than one type. E.g. independent school and Headteacher/ principal is a common combination)	No
Independent school	98
Independent school association	13
School inspector	4
Parent carer	133
Faith group	58
Academy/free school	3
Headteacher/principal	33
Governor	36
Proprietor	2
Local authority	3
Other representative body	16
Other	148

Responses received and the government's response

Question 2 a)

Do you agree that changes to Part 2 are required to ensure proprietors actively promote the fundamental British values as set out in paragraph 5(a) and that schools are actively promoting the principles set out in paragraph 5(b), including: tolerance; respect for other people; and respect for democracy? If not, why not?

13. There were 516 (non-campaign) responses to this question. 67 agreed; 387 disagreed; and 62 indicated that they were not sure. The key points that are in addition to the misconceptions referred to in paragraph 8 above were as follows:

- That the proposed changes seemed to be a knee jerk response to the Birmingham Schools Trojan Horse allegations;
- The changes are not needed because fundamental British values were only added to the standards in January 2013; most school are already doing this; and we should enforce the existing requirements in the offending schools;
- Welcome the emphasis;
- Box ticking exercise;
- Government control; and
- Consultation too short and/or at the wrong time of year.

Government response

14. The consultation was undertaken in accordance with accepted consultation principles. The consultation was in two stages for 6 and 8 weeks respectively. This was to enable the earlier introduction of the Part 2 SMSC and Part 4 suitability of staff and proprietor standards, because of their importance in addressing extremism and preventing the employment of unsuitable people. Paragraph 3 above explains why Part 4 was not revised in September. We intend to introduce the remaining revised standards, including the Part 4 changes, once the development work on the regulations is complete.

15. As noted above, the Department for Education is not imposing new fundamental British values, as they have applied to independent schools since January 2013. The requirement to encourage respect for other people does not have the effect of extending the Equality Act. Further detail is set out in paragraphs 5 to 11 above. The changes have been signalled since June 2014 and while they will help address the types of issues that have been identified as a result of the Birmingham school concerns, they are not a knee jerk reaction to these.

16. The changes are not about the government extending its control, but rather they are about raising standards in all schools to that already achieved in good schools. There are many high performing schools for which the new Part 2 SMSC standard will lead to little or no change. A good school that properly promotes British values will by definition already promote such values 'actively'. The Department for Education did enforce the previous standard. The changes are aimed at those schools that barely meet that standard, without taking positive steps to embed those values throughout the ethos of their school. The new requirement to actively promote principles that encourage respect for other people will have no impact on the vast majority of schools, where it is normal practice to encourage pupils to respect other people.

Question 2 b)

The policy intention of the proposed changes to Part 2 is to make clear to schools that they should be actively promoting fundamental British values, not just acknowledging them. Do you consider the changes to Part 2 will achieve this aim? If not, why not and how else might they be achieved?

17. There were 512 (non-campaign) responses to this question. 58 said yes; 356 said no; and 98 said not sure. Key points were:

- Leave it to schools/teachers;
- Not needed;
- Resource implications;
- Already doing it; and
- Precedent setting.

Government response

18. As set out in paragraph 16 above, many good schools are already actively promoting fundamental British values by virtue of their approach, and doing so within their existing resources. In these cases the new standard should lead to little or no change and the Department for Education is content to leave it to the schools and their teachers to carry this work forward. However, for those schools that barely meet the previous standard, the new standard will mean change as they will be required to improve and demonstrate that they actively promote fundamental British values. Other schools are already demonstrating that this need not have resource implications, but rather it is more about the approach schools take to ensure this becomes an integral part of their ethos.

Question 2 c)

Maintained schools will also be required to promote fundamental British values. We are proposing to update the guidance to maintained schools to mirror the requirements set out here. Do you agree that the government should set the same expectations for maintained schools as for free schools, academies and independent schools with regard to their duty to promote fundamental British values? If not, why not?

19. There were 453 (non-campaign) responses to this question. 151 said yes; 244 said no; and 58 said not sure. Key points were:

- The requirements should not apply to any schools;
- There should be a consistent approach and the requirements should be applied to all schools;
- Waste of inspectors' time; and
- The changes will have implications for faith schools and communities.

Government response

20. There is currently no explicit requirement for maintained schools to respect or promote fundamental British values. The Government sees active promotion of fundamental British values as a priority, so has issued guidance to the maintained sector as proposed in the consultation (through guidance on SMSC). Ofsted has said it will amend its inspection framework to make reference to the need for schools to promote fundamental British values, and will take account of the new guidance in inspection. This will ensure consistent application of the new standard across all schools, including independents, academies, free schools and maintained schools.

Next steps

21. The Education (Independent School Standards) (England) (Amendment) Regulations 2014 for the new SMSC standard were made on 4 September and came into force on 29 September. The Department for Education wrote to all independent schools to inform them of the coming into force date for the new regulations. The Department for Education's SMSC guidance for maintained schools and that for independent schools has been updated to reflect the new standard requirements.



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